

WILMERHALE

April 27, 2015

Martin Gilmore

Via ECF

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Hon. Debra Freeman
Daniel Patrick Moynihan
United States Courthouse
500 Pearl St.
New York, NY 10007-1312

Re: Jay v. Spectrum Brands Holdings, Inc. et al, Case No. 1:13-cv-08137-LTS-DCF

Dear Judge Freeman:

I respectfully write on behalf of Defendants Spectrum Brands, Inc., Spectrum Brands Holdings, Inc., and Shaser, Inc. ("Spectrum"), with the consent of Plaintiff Harvey H. Jay, to request an adjournment of the following events:

- 1) The deadline to initiate Daubert motions, currently set for April 27, 2015 (60 days prior to the final pre-trial conference);
- 2) The deadline to initiate other pretrial motions, currently set for May 27, 2015 (30 days prior to the final pre-trial conference); and
- 3) The final pre-trial conference, currently scheduled for June 26, 2015.

This is the first request for an adjournment. Good cause exists for this adjournment as the parties have not yet received a claim construction decision in this matter, and as a result, have not yet begun expert discovery, making the scheduled dates premature. The parties suggest that the final pre-trial conference be adjourned sine die, that it be rescheduled after the Court issues a claim construction decision, and that the corresponding deadlines to initiate Daubert motions and other pretrial motions be set for 60 and 30 days prior to the new final pre-trial conference date, respectively.

Respectfully,



Martin E. Gilmore